

**REMARKS**

**Summary of Office Action**

Claims 1, 2, 4, 5, 10, 11, 15-17, 19, 24, and 25 stand rejected under §102(e) as allegedly being anticipated by Fujita et al. (US Pat. No. 6,538,390).

Claims 6, 12, 20, and 26 stand rejected under §103(a) as allegedly being unpatentable over Fujita et al. in view of Zhang et al. (US Pat. No. 5,313,075).

Claims 3, 7-9, 13, 14, 18, 22, 23, 27, and 28 stand objected to for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Summary of Amendment**

Claims 1, 3, 10, 13-15, 24, 27, and 28 have been amended. Claims 29-32 have been added. No new matter has been entered. Claims 1-32 are currently pending for further consideration.

**Claim Objections**

Applicant wishes to thank the Examiner for allowable subject matter in claims 3, 7-9, 13, 14, 18, 22, 23, 27, and 28. As claim 21 has not been rejected, Applicant respectfully submits that claim 21 should also have been included in the group of objected claims. Although indication of allowability of these dependent claims is gratefully acknowledged, Applicant respectfully submits that all the claims are now allowable over the prior art of record for the reasons set forth below.

**All Claims Comply With §102 and §103**

Claims 1, 2, 4, 5, 10, 11, 15-17, 19, 24, and 25 stand rejected under §102(e) as allegedly being anticipated by Fujita et al. (US Pat. No. 6,538,390) and claims 6, 12, 20, and 26 stand rejected under §103(a) as allegedly being unpatentable over Fujita et al. in view of Zhang et al. (US Pat. No. 5,313,075). To the extent that the prior art still applies to the claims as amended, Applicant respectfully traverses these rejections.

Independent claim 1 has been amended to remove the alternative language regarding the switching device. In particular, claim 1, as amended, now positively recites, in part, “a switching device formed *on the low refractive thin film.*” Likewise, independent claim 15 has been amended to recite, in part, a step of “forming a switching device *on the low refractive thin film.*”

In contrast, none of the embodiments disclosed in Fujita et al. teaches or suggests show a “switching device formed on the low refractive thin film.” Rather, all of the figures of Fujita et al. show transistor 2 formed *on the substrate below* the planarization layer 12. Therefore, for at least this reason, Fujita et al. does not anticipate claims 1 and 15 as amended. Accordingly, the rejections to these claims should be withdrawn.

Claims 2-9 and 16-23 depend from respective independent claims 1 and 15. Moreover, the secondary reference Zhang et al. does not cure the deficiencies of Fujita et al. as explained above. Hence, Applicant respectfully asserts that Fujita et al. and Zhang et al., whether taken individually or in combination, fail to teach or suggest the invention as recited in claims 1-9 and 15-23, as amended. Accordingly, the rejections to these claims should be withdrawn.

Dependent claims 14 and 28 have been written as independent claims incorporating only the features from their independent claims 1 and 15, respectively, and do not include all the limitations from the intervening claims. No new matter has been entered by this amendment. Specifically, claim 14, as amended, recites in part, a “switching device formed between the substrate and the low refractive thin film for selectively driving the organic electro luminescence diode, and a first insulating layer formed between the substrate and the low refractive thin film *to cover the switching device.*” Similarly, claim 28 has been amended to recite, in part, a step of “forming a switching device between the substrate and the low refractive thin film for selectively driving the organic electro luminescence diode, and forming a first insulating layer between the substrate and the low refractive thin film *to cover the switching device.*”

In contrast, none of the embodiments disclosed in Fujita et al. teaches or suggests “a first insulating layer between the substrate and the low refractive thin film to cover the switching device.” Rather, the switching device (i.e., transistor 2) is covered by the planarizing layer 12 that has been characterized as the “low refractive thin film” in the Office Action. There is no “insulating layer between the substrate and the low refractive thin film *to cover the switching device*” as recited in amended claims 14 and 28. Zhang et al. does not cure this deficiency. Therefore, for at least these reasons, Fujita et al. and Zhang et al., whether taken individually or in combination, fail teach or suggest the invention as recited in amended claims 14 and 28.

Claims 10-13 and 24-27 now depend from respective base claims 14 and 28, respectively. Therefore, Applicant respectfully asserts that Fujita et al. and Zhang et al., whether taken individually or in combination, also fail teach or suggest the invention as recited in these claims.

**New Claims**

Claims 29-32 have been added to depend from respective base claims 14 and 28. As claims 29-32 are similar to claims 2, 3, 17, and 18, no new matter has been added. Moreover, since claims 14 and 28 are now allowable over the prior art of record as explained above, claims 29-32 are also allowable for at least the reasons stated above.

**CONCLUSION**

In view of the foregoing, reconsideration and timely allowance of the pending claims are respectfully requested. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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